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September 28, 2022

**BY THE OFFICE OF THE US ATTORNEY FOR THE SOUTHERN DISTRICT
OF NEW YORK UNDER THE COURT'S INDIVIDUAL PRACTICES RULE # 6F**

Hon. Paul A. Crotty
United States District Court
500 Pearl Street, Chambers 1350
New York, NY 10007

Re: United States v. John "Cigars" DeFalco, 19-CR-00472 (PAC)

Dear Judge Crotty:

This firm represents the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America (the "District Council"). The District Council and its affiliated Local Union No. 157 ("Local 157") are victims of the Defendant John "Cigars" DeFalco's criminal conduct. This letter is to present the District Council's and Local 157's requests for an award of restitution against the Defendant DeFalco under 18 USC § 3663A(b)(4).

We note that DeFalco is already jointly and severally liable restitution to the District Council and another affiliated Local Union (Local 926) against co-defendant Salvatore "Sal" Tagliaferro in United States v. Salvatore Tagliaferro, 19-CR-00472 (PAC), Judgment in a Criminal Case at 7, filed Sept. 9, 2021, ECF Dkt. 188, and Order of Restitution at 2, filed Sept. 14, 2021, ECF Dkt. 191, in the amount of \$145,065.33.

In summary, the requests here include the following:

The District Council:

Twenty percent (20%) of Stipends and related paid to Defendant DeFalco (January 2018-June 2019):	\$ 320.00
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Local 157:

Twenty percent (20%) of Stipends paid to Defendant DeFalco as Vice President of Local 157 (January 2018-June 2019):	\$2,828.46
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GRAND TOTAL:	\$3,148.46
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The background details and documentation for the requests for restitution are described below and in the annexed exhibits.

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The District Council

Stipends Paid to Defendant DeFalco as a Delegate to the District Council's
Delegate Body During the Relevant Period of January 2018 through June 2019

Defendant was a delegate from Local 157 to the District Council Delegate Body during the time of his scheme encompassing January 2018 through June 2019. In that capacity, he received stipends from the District Council. The total compensation was \$1,600.00. Annexed to this letter as Exhibit A is a schedule showing the District Council's payments to the Defendant.

The District Council is seeking as restitution an amount equal to twenty percent (20%) of the total of those paid stipends: \$320.00. That amount is consistent with percentage amounts awarded in United States v. Ebrahim, 2013 U.S. Dist. LEXIS 72072 at 6-7, 2013 WL 2216580 (SDNY 2013); United States v. Skowron, 839 F.Supp. 2d 740, 749-52 (SDNY 2012).

Local 157

Stipends Paid by Local 157 During the Relevant Period January 2018 through
June 2019 to Defendant in His Status as Vice President of Local 157 for Attending
Local 157 Executive Committee Meetings, as a Local 157 Delegate Attending
Meetings of the District Council, and for Attending other Local 157 Sanctioned Conferences

During the relevant time period of Defendants' scheme (January 2018 through June 2019), Local 157 paid Defendant DeFalco stipends because of his status as Vice President of Local 157, for attending Local 157 executive committee meetings, and as a Delegate to the District Council's Delegate Body. Local 157 also paid Defendant during the relevant time period for attending various conferences and meetings sanctioned by Local 157. The Local 157 payroll records showing these payments are collectively annexed in Exhibit B. These payments were in addition to or in lieu of separate stipends paid by the District Council. The payments as expenses incurred by Local 157 totaled \$14,142.32. As with the District Council's claim for restitution of Defendant's stipends, Local 157 is seeking restitution at twenty percent (20%): \$2,828.46.

Respectfully submitted,

SPIVAK LIPTON LLP
Attorneys for the District Council
of New York City and Vicinity
of the United Brotherhood of Carpenters
and Joiners of America

BY: /s/ James M. Murphy
James M. Murphy

Annexed Exhibits A and B

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cc: **BY THE OFFICE OF THE UNITED STATES ATTORNEY
FOR THE SOUTHERN DISTRICT OF NEW YORK
UNDER THE COURT'S INDIVIDUAL PRACTICES RULE # 6F**

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EXHIBIT A

New York City
& Vicinity District
Council of Carpenters

John DeFalco Stipends 2018-2019**Employee ID NYCDC00000255**

Check Date	Check Number	2018	2019
1/26/2018	2607	\$100.00	
3/30/2018	2815	\$100.00	
4/27/2018	2907	\$100.00	
5/25/2018	2985	\$100.00	
6/29/2018	3075	\$100.00	
7/27/2018	3163	\$100.00	
8/31/2018	3257	\$100.00	
9/28/2018	3343	\$100.00	
10/26/2018	3422	\$100.00	
11/30/2018	3525	\$100.00	
12/21/2018	3603	\$100.00	
1/25/2019	3685		\$100.00
3/1/2019	3759		\$100.00
3/29/2019	3829		\$100.00
4/26/2019	3887		\$100.00
5/31/2019	3941		\$100.00
Subtotal		\$1,100.00	\$500.00

Total 2018-2019	\$1,600.00
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EXHIBIT B

Local 157

Company: United Brotherhood Report: Payroll Summary Check Dates From: 1/3/2018 - To: 12/31/2019									
Check Date	Name	Hours	Total Paid	Tax Withheld	Deductions	Net Pay	Check No	Employer Liability	Total Expense
1/3/2018	DeFalco, John	-	75.00	5.74	-	69.26	DD	7.17	82.17
1/12/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	16.72	191.72
1/19/2018	DeFalco, John	-	175.00	13.38	-	161.62	DD	16.72	191.72
2/20/2018	DeFalco, John	-	350.00	26.78	-	323.22	DD	33.43	383.43
3/1/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	16.72	191.72
3/9/2018	DeFalco, John	-	175.00	13.38	-	161.62	DD	16.72	191.72
3/16/2018	DeFalco, John	-	250.00	19.13	-	230.87	DD	22.88	272.88
3/27/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	16.02	191.02
4/2/2018	DeFalco, John	-	900.00	75.02	-	824.98	DD	82.35	982.35
4/13/2018	DeFalco, John	-	425.00	32.51	-	392.49	DD	38.89	463.89
4/20/2018	DeFalco, John	-	325.00	24.86	-	300.14	DD	29.74	354.74
5/7/2018	DeFalco, John	-	900.00	75.02	-	824.98	DD	82.35	982.35
5/11/2018	DeFalco, John	-	250.00	19.13	-	230.87	DD	22.88	272.88
5/18/2018	DeFalco, John	-	325.00	24.86	-	300.14	DD	29.74	354.74
6/4/2018	DeFalco, John	-	900.00	75.02	-	824.98	DD	82.35	982.35
6/15/2018	DeFalco, John	-	250.00	19.12	-	230.88	DD	22.88	272.88
6/22/2018	DeFalco, John	-	325.00	24.87	-	300.13	DD	29.74	354.74
7/2/2018	DeFalco, John	-	900.00	75.02	-	824.98	DD	82.05	982.05
7/16/2018	DeFalco, John	-	250.00	19.12	-	230.88	DD	21.38	271.38
7/20/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	14.97	189.97
8/1/2018	DeFalco, John	-	900.00	75.02	-	824.98	DD	76.95	976.95
8/10/2018	DeFalco, John	-	250.00	19.12	-	230.88	DD	21.38	271.38
8/17/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	14.97	189.97
9/14/2018	DeFalco, John	-	250.00	19.13	-	230.87	DD	21.38	271.38
9/21/2018	DeFalco, John	-	175.00	13.38	-	161.62	DD	14.97	189.97
10/16/2018	DeFalco, John	-	250.00	19.13	-	230.87	DD	21.38	271.38
10/19/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	14.97	189.97
11/9/2018	DeFalco, John	-	175.00	13.38	-	161.62	DD	14.97	189.97
11/16/2018	DeFalco, John	-	250.00	19.13	-	230.87	DD	21.38	271.38
12/7/2018	DeFalco, John	-	175.00	13.39	-	161.61	DD	14.97	189.97

Company: United Brotherhood Report: Payroll Summary Check Dates From: 1/3/2018 - To: 12/31/2019									
Check Date	Name	Hours	Total Paid	Tax Withheld	Deductions	Net Pay	Check No	Employer Liability	Total Expense
12/18/2018	DeFalco, John	-	250.00	19.12	-	230.88	DD	21.38	271.38
1/16/2019	DeFalco, John	-	250.00	19.13	-	230.87	DD	22.88	272.88
1/18/2019	DeFalco, John	-	175.00	13.38	-	161.62	DD	16.02	191.02
2/14/2019	DeFalco, John	-	250.00	19.13	-	230.87	DD	22.88	272.88
2/22/2019	DeFalco, John	-	175.00	13.39	-	161.61	DD	16.02	191.02
3/15/2019	DeFalco, John	-	250.00	19.12	-	230.88	DD	22.88	272.88
3/22/2019	DeFalco, John	-	175.00	13.39	-	161.61	DD	16.02	191.02
4/16/2019	DeFalco, John	-	250.00	19.12	-	230.88	DD	22.13	272.13
4/23/2019	DeFalco, John	-	175.00	13.39	-	161.61	DD	15.49	190.49
5/10/2019	DeFalco, John	-	250.00	19.13	-	230.87	DD	22.13	272.13
5/17/2019	DeFalco, John	-	175.00	13.38	-	161.62	DD	15.49	190.49
6/14/2019	DeFalco, John	-	175.00	13.39	-	161.61	DD	15.49	190.49
6/21/2019	DeFalco, John	-	175.00	13.39	-	161.61	DD	15.49	190.49
Pay Frequency Totals		-	12,975.00	1,023.44	-	11,951.56	-	1,167.32	14,142.32
Company Totals:		-	12,975.00	1,023.44	-	11,951.56	-	1,167.32	14,142.32